

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1425**

**Introduced by Assembly Member Daucher**

February 22, 2005

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An act to ~~amend Section 87482.6 of~~ *add Section 88501* to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1425, as amended, Daucher. Community colleges: ~~faculty California Community Colleges Economic and Workforce Development Program: career technical and vocational education instructors occupational specialists.~~

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law ~~provides that until specified statutory provisions are implemented regarding program-based funding, community college districts that have less than 75% of their hours of credit instruction taught by full-time instructors shall apply a portion of their program improvement allocations toward reaching that 75% standard, as specified. Existing law requires the board of governors to adopt regulations, as provided, for the effective administration of the law concerning the appropriate percentage of hours of credit instruction taught by full-time instructors, and requires the Chancellor of the California Community Colleges to determine the extent to which each community college district has hired the number of full-time faculty, as provided, and, to the extent that the cumulative number of full-time faculty have not been retained, to reduce the district's base budget for 1991–92 and subsequent fiscal years by a certain formula~~ *establishes community college districts throughout the*

state, and authorizes them to provide instruction at community college campuses. Existing law establishes, and sets forth the mission of, the California Community Colleges Economic and Workforce Development Program as part of the responsibilities of the California Community Colleges.

~~This bill would provide that, notwithstanding the provisions described above, hours of credit instruction in career technical education and vocational education courses shall not be included in the calculations required by these provisions~~ *express the intent of the Legislature to expand the program to create new articulated courses between elementary and secondary schools and community colleges by building on the program's integration with business and emerging industries.*

*The bill would require the Chancellor of the California Community Colleges, in consultation with the Department of Labor, to determine the nonacademic, professional technical occupation fields that will be eligible for a new hiring category. The bill would authorize community colleges to use a category of faculty defined as "career and occupational specialist." The bill would require that persons holding these positions be nontenured and offered a 3-year contract that may be renewed on an annual basis. The bill would require that salary and benefits for these positions be negotiated through the collective bargaining process.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 87482.6 of the Education Code is~~  
2     ~~amended to read:~~  
3     *SECTION 1. Section 88501 is added to the Education Code,*  
4     *to read:*  
5     *88501. (a) It is the intent of the Legislature that the*  
6     *California Community Colleges Economic and Workforce*  
7     *Development Program be expanded to create new articulated*  
8     *courses between elementary and secondary schools and*  
9     *community colleges by building on the program's successful*  
10    *integration with business and emerging industries. By aligning*  
11    *career-technical education curriculum between elementary and*  
12    *secondary schools and community colleges to more targeted*

1 *industry-driven programs through the existing Tech Prep*  
2 *Program, the State can successfully expand the career options*  
3 *for students.*

4 *(b) The Legislature finds and declares that, in order to meet*  
5 *expanded vocational and career technical education*  
6 *opportunities for middle school and high school students and*  
7 *improved linkages between the career and technical curricula of*  
8 *the public schools and community colleges, flexibility in the*  
9 *hiring of staff with the appropriate expertise is a necessity.*

10 *(c) Notwithstanding any other provision of law:*

11 *(1) Each year the Chancellor of the California Community*  
12 *Colleges, in consultation with the Department of Labor, shall*  
13 *determine the non-academic, professional technical occupation*  
14 *fields that will be eligible for a new hiring category. They shall*  
15 *base their decision on fields that are rapidly changing*  
16 *occupational areas, emerging occupational areas, specialties,*  
17 *shortages, or high demand areas.*

18 *(2) To meet the intent of Section 88500 and this section,*  
19 *community colleges may use a category of faculty defined as*  
20 *“career and occupational specialist”. Persons holding these*  
21 *positions shall be non-tenured, and shall be offered a three-year*  
22 *contract that may be renewed on an annual basis. Salary and*  
23 *benefits for these positions shall be negotiated through the*  
24 *collective bargaining process.*

25 ~~87482.6. (a) Until the provisions of Section 84750 regarding~~  
26 ~~program-based funding are implemented by a standard adopted~~  
27 ~~by the board of governors that establishes the appropriate~~  
28 ~~percentage of hours of credit instruction that should be taught by~~  
29 ~~full-time instructors, the Legislature wishes to recognize and~~  
30 ~~make efforts to address longstanding policy of the board of~~  
31 ~~governors that at least 75 percent of the hours of credit~~  
32 ~~instruction in the California Community Colleges, as a system,~~  
33 ~~should be taught by full-time instructors. To this end, community~~  
34 ~~college districts that have less than 75 percent of their hours of~~  
35 ~~credit instruction, with the exception of hours of credit~~  
36 ~~instruction in career technical education and vocational~~  
37 ~~education, taught by full-time instructors shall apply a portion of~~  
38 ~~the program improvement allocation received pursuant to Section~~  
39 ~~84755 as follows:~~

~~(1) Districts that, in the prior fiscal year, had between 67 percent and 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation as necessary to reach the 75 percent standard. If a district in this category chooses instead not to improve its percentage, the board of governors shall withhold 33 percent of the district's program improvement allocation.~~

~~(2) Districts that, in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation as necessary to reach the 75 percent standard. If a district in this category chooses instead not to improve its percentage, the board of governors shall withhold 40 percent of the district's program improvement allocation.~~

~~(3) Districts that maintain 75 percent or more of their hours of credit instruction taught by full-time instructors shall otherwise be free to use their program improvement allocation for any of the purposes specified in Section 84755.~~

~~(b) The board of governors shall adopt regulations for the effective administration of this section. Unless and until amended by the board of governors, the regulations shall provide as follows:~~

~~(1) In computing the percentage of hours of credit instruction taught by full-time instructors, both of the following shall occur:~~

~~(A) The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.~~

~~(B) The hours of credit instruction provided by full-time and part-time faculty in career technical education and vocational education courses, as defined by the Office of the Chancellor of the California Community Colleges, shall be excluded from the calculation of the 75 percent standard under this section.~~

~~(2) A full-time instructor shall be defined as any regular and contract faculty member teaching credit instruction.~~

~~(3) (A) The chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district. This computation shall be made by dividing the applicable portion of~~

1 ~~program improvement revenue (0 percent, 33 percent, or 40~~  
2 ~~percent of the program improvement allocation), by the statewide~~  
3 ~~average “replacement cost” (a figure which represents the~~  
4 ~~statewide average faculty salary plus benefits, minus the~~  
5 ~~statewide average hourly rate of compensation for part-time~~  
6 ~~instructors times the statewide average full-time teaching load).~~  
7 ~~If the quotient is not a whole number, then the quotient shall be~~  
8 ~~rounded down to the nearest whole number. If this quotient, once~~  
9 ~~applied, will result in the district exceeding the 75 percent~~  
10 ~~standard, the chancellor shall further reduce the quotient to a~~  
11 ~~whole number that will leave the district as close as possible to,~~  
12 ~~but in excess of, the 75 percent standard.~~

13 ~~(B) By March 15 of each year, the chancellor shall report to~~  
14 ~~each district an estimate of the number of FTF to be secured~~  
15 ~~based upon the appropriation of revenues contained in the annual~~  
16 ~~Budget Bill.~~

17 ~~(4) On or before December 31, 1991, the chancellor shall~~  
18 ~~determine the extent to which each district, by September 30,~~  
19 ~~1991, has hired the number of FTF determined pursuant to~~  
20 ~~paragraph (3) for the 1989-90 and 1990-91 fiscal years. To the~~  
21 ~~extent that the cumulative number of FTF have not been retained,~~  
22 ~~the chancellor shall reduce the district’s base budget for 1991-92~~  
23 ~~and subsequent fiscal years by an amount equivalent to the~~  
24 ~~average replacement cost times the deficiency in the number of~~  
25 ~~FTF.~~